**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| WILLIAM RAY TALBERT, | No. 04-56744 |
| Petitioner - Appellant, | D.C. No. CV-03-05752-TJH |
| v. | |
| TOM L. CAREY, Warden, | MEMORANDUM* |
| Respondent - Appellee. | |

Appeal from the United States District Court
for the Central District of California
Terry J. Hatter, District Judge, Presiding

Submitted July 24, 2006**

Before:     ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

California state prisoner William Ray Talbert appeals *pro se* from the

district court's judgment dismissing as untimely his 28 U.S.C. § 2254 habeas

corpus petition challenging his conviction for petty theft and robbery.  We have

jurisdiction under 28 U.S.C. § 2253, and we affirm the district court.

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\*        This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\*        This panel unanimously finds this case suitable for decision without
oral argument.  *See* Fed. R. App. P. 34(a)(2).

The district court properly found that Talbert was not entitled to statutory interval tolling under 28 U.S.C. § 2244(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996. Talbert's three-year, three-month interval between the filing of his habeas petition in the California Court of Appeal and his subsequent habeas petition in the California Supreme Court constituted unreasonable delay. *See Evans v. Chavis*, 126 S. Ct. 846, 854 (2006) ("Six months is far longer than the 'short periods of time,' 30 to 60 days, that most States provide for filing an appeal to the state supreme court."). Thus, we affirm the district court's determination of untimeliness.

To the extent that Talbert's brief raises additional uncertified issues, we construe his contentions as a motion to expand the certificate of appealability, and we deny the motion. *See* 9th Cir. R. 22-1(e); *see also Hiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th Cir. 1999) (per curiam).

**AFFIRMED.**